

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JAMES K. SMITH,

Plaintiff,

vs.

MENARD, INC., a Wisconsin incorporation
doing business in the State of Michigan,

Defendant.

Case No.: 2:21-cv-10660

Hon. Nancy G. Edmunds

Mag. Anthony P. Patti

DAVID W. BRAUER (P41974)
David W. Brauer, PLLC
Attorneys for Plaintiff
722 E. Grand River Ave.
Brighton, MI 48116
(517) 548-1998/(517) 548-0102[fax]
david@davidbrauerlaw.com

MARK SHREVE (P29149)
Garan Lucow Miller, P.C.
Attorney for Defendant
1450 W. Long Lake Rd., Ste. 350
Troy, MI 48098-633
(248) 641-7600/(248) 641-0222 [fax]
mshreve@garanlucow.com

**QUALIFIED PROTECTIVE ORDER
AND AUTHORIZATION PURSUANT TO HEALTH INSURANCE
PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

1. **IT IS HEREBY ORDERED** that this Court authorizes the disclosure and sharing of Plaintiff, James K. Smith's "personal health information" protected under the Health Insurance Portability and Accountability Act (hereinafter "HIPAA") (42 USC §1320d *et seq.*) and the regulations

promulgated thereunder (45 CFR §§160, 164 *et seq.*) pursuant to the terms and conditions contained in this Order.

2. **IT IS HEREBY FURTHER ORDERED** that Plaintiff, James K. Smith's, health care providers including, but not limited to examining, testing and/or treating doctors and other medical personnel shall provide copies of all records and may discuss the Plaintiff, James K. Smith's, medical conditions and past, present and future treatment with counsel for the Defendant.

3. **IT IS FURTHER ORDERED** that this Order does not compel the health care provider to participate in an interview or meeting against his or her wishes, nor to occur outside the presence of the health care provider's attorney if he or she wishes to have one present. The purpose of the interview or meeting conducted by attorneys for Defendant and/or Defendant's agents is to assist Defendant in its defense of the above-referenced action brought by James K. Smith. The meeting or interview is not at the request of James K. Smith; however, James K. Smith and his counsel are on notice of the existence of this order.

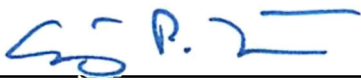
4. **IT IS FURTHER ORDERED** that all covered entities under HIPAA, including but not limited to the health care providers, examining, testing and/or treating doctors and other medical personnel of James K. Smith are authorized and permitted to disclose and/or share James K. Smith's personal health information to the attorneys or agents of Defendant. The personal

health information of James K. Smith may be provided orally in discussions with Defendant's attorneys and/or agents or in written, visual or other recorded form. The consent of or notice to James K. Smith and/or his attorneys is not required prior to the disclosure of this information by any health care provider.

5. **IT IS FURTHER ORDERED** that counsel for the Defendant is permitted to use or disclose protected information for all purposes involved this action, except as limited by the Federal Rules of Civil Procedure for discovery and subject to the Federal Rules of Evidence for use at trial, and upon resolution of this action, counsel for the Defendant who receives written or otherwise recorded protected health care information of the Plaintiff, James K. Smith, shall destroy or return the information (including all copies made) to the health care provider.

6. **IT IS FURTHER ORDERED** that a copy of this order must be given by defense counsel to any healthcare provider to whom its provision apply, in advance of any meeting or interview.

May 25, 2021



Anthony P. Patti
U.S. Magistrate Judge